

Serial No. **10/583,602**
Amdt. dated **May 20, 2010**

Docket No. **K-0779**

Reply to Office Action of **January 21, 2010**

REMARKS/ARGUMENTS

Claims 1-14, 19, and 21-49 are pending in this application. By this Amendment, claims 1-5, 7, 10-14, 19, 21, 34-35 and 46 are amended, claims 23-24, 27-33, and 39-45 are withdrawn, claims 17-18 and 20 are canceled without prejudice or disclaimer, and claims 47-49 are added. Claim 46, as previously presented, has not been rejected. Support for the claims can be found throughout the specification, including the original claims and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

Claim 16 stands rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite. Claim 16 was previously canceled by the Preliminary Amendment filed June 20, 2006, thus the rejection is moot.

Claims 1-4, 7-12, 15-18, 25-26, 34-35 and 38 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,009,720 to Ji et al. (hereinafter "Ji"). Claims 15 and 16 were previously canceled by the Preliminary Amendment filed June 20, 2006. Claims 17 and 18 are canceled by this Amendment. The rejection is respectfully traversed insofar as it applies to the amended pending claims.

Ji fails to disclose all the claimed features, as required under Section 102. For example, Ji fails to disclose or teach "a first opening that discharges cool air into the at least one storage chamber in a first direction, and a second opening that discharges cool air into the at least one storage chamber in a second direction...wherein the first and second openings are positioned such that the turbulent flow in the first direction is substantially perpendicular to the turbulent

flow in the second direction, and wherein the turbulent flow in the first direction crosses the turbulent flow in the second direction inside the at least one storage chamber,” as recited in amended claim 1.

The Patent Office concludes that the “space between the bottom of wall 23 and bottom of duct member 21, FIG. 6, hosting the lower part of motor 35, FIG. 7” corresponds to the claimed first and second openings. However, the space between the bottom of wall 23 and bottom of duct member 21 hosting the lower part of motor 35 of Ji discharges cool air into supply duct 15, and therefore cannot correspond to the first and second openings that discharges cool air into the at least one storage chamber, let alone the first and second openings positioned such that the turbulent flow in the first direction is substantially perpendicular to the turbulent flow in the second direction, and wherein the turbulent flow in the first direction crosses the turbulent flow in the second direction inside the at least one storage chamber, as recited in claim 1.

For at least these reasons, it is respectfully submitted that independent claim 1 is allowable over Ji. Accordingly, the rejection of independent claim 1 should be withdrawn. Dependent claims 2-4, 7-12, 15-18, 25, 26, 34, 35, and 38 are allowable over Ji at least for the reasons set forth above with respect to independent claim 1, from which they depend, as well as for their added features.

Claims 1 and 19-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,920,758 to Janke et al. (hereinafter “Janke”). Claim 20 is canceled. The rejection is

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respectfully traversed insofar as it applies to the amended pending claims.

Janke fails to disclose all the claimed features, as required under Section 102. For example, Janke fails to disclose or teach the first and second openings “wherein the first and second openings are positioned such that the turbulent flow in the first direction is substantially perpendicular to the turbulent flow in the second direction, and wherein the turbulent flow in the first direction crosses the turbulent flow in the second direction inside the at least one storage chamber,” as recited in amended claim 1.

The Patent Office concludes that the “bottom and top of elongated tube 40, FIG. 1” of Janke corresponds to the claimed opening. However, the air inlets 38 and 42 at either end of elongated tube 40 are both positioned on the same surface of divider 18, facing the same direction; thus the bottom and top of elongated tube 40 cannot correspond to the claimed first and second openings positioned such that the turbulent flow in the first direction is substantially perpendicular to the turbulent flow in the second direction, and wherein the turbulent flow in the first direction crosses the turbulent flow in the second direction inside the at least one storage chamber.

For at least these reasons, it is respectfully submitted that independent claim 1 is allowable over Janke. Accordingly, the rejection of independent claim 1 should be withdrawn. Dependent claims 19, 21-22 are allowable over Janke at least for the reasons set forth above with respect to independent claim 1, from which they depend, as well as for their added features.

Claims 5 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ji in

view of U.S. Patent No. 3,428,040 to Baker et al. (hereinafter "Baker"). Claims 13, 14, 36 and 37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ji. The rejections are respectfully traversed.

Dependent claims 5-6, 13-14, and 36-37 are allowable for at least the reasons set forth above with respect to independent claim 1, from which they depend, as well as for their added features. Regarding claims 5 and 6, Baker does not disclose or teach the features found lacking in Ji. Hence, any proposed combination of Ji with Baker cannot result in the claimed features. Regarding claims 13-14 and 36-37, the Patent Office simply concludes that "it would have been obvious matter of design choice to modify the Ji reference" without citing a prior art reference teaching the claimed features. See page 9, lines 14-22 and page 10, lines 6-15, of the Office Action. While the Patent Office concludes that the interrelationship between the size and relative location of the opening and the separator as claimed are not critical, the specification clearly describes the necessary interrelationships. See, for example, paragraph [0041] of the specification as amended by the Preliminary Amendment filed June 20, 2006. Hence, a *prima facie* case of obviousness cannot be established, and withdrawal of both Section 103 rejections is respectfully requested.

Claims 47-49 are added to this application. Independent claim 47 recites, *inter alia*, a cool air supplying device configured to circulate air between the at least one storage chamber and the cool air-generating device wherein the cool air supplying device includes at least one opening that discharges cool air into the at least one storage chamber; at least one first plate provided at a

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first predescribed distance from the first opening having a first predescribed width; and at least one second plate provided at a second predescribed distance from the second opening having a second predescribed width, wherein the at least one first and second plates are fixed in a permanent position and are not connected to each other, and wherein the first predescribed distance of the at least one first plate from the first opening is less than or equal to the first predescribed width of the first opening and greater than one half of the first predescribed width of the first opening. None of the applied references disclose or suggest at least such features, or the claimed combination of independent claim 47. Dependent claims 48 and 49 are allowable at least for the reasons set forth for independent claim 47, from which they depend, as well as for their added features.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, at the telephone number listed below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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